

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT CHATTANOOGA

UNITED STATES OF AMERICA )  
 )  
vs. ) Mag. No. 1:12-mj-286  
 )  
MARCISO NAVA VALDEZ )

MEMORANDUM AND ORDER

In accordance with Rules 5 and 5.1 of the Federal Rules of Criminal Procedure and in accordance with the Bail Reform Act, 18 United States Code § 3142(f), the preliminary hearing and detention hearing were held in this action on September 17, 2012 and September 20, 2012, respectively. Those present included:

- (1) AUSA Anne Marie Svolto for the United States of America.
- (2) The defendant, MARCISO NAVA VALDEZ.
- (3) Attorney Lee Ortwein for defendant.
- (4) DEA Special Agent Derrick Brown (9/17/12 hrg).
- (5) Deputy Clerks DeAndra Hinton/Kelli Jones.
- (6) Court Reporter Elizabeth Coffey/Shannan Andrews.

Upon being sworn the defendant was informed or reminded of his privilege against self-incrimination accorded him under the 5th Amendment to the United States Constitution.

The defendant acknowledged he had received a copy of the Criminal Complaint. It was determined defendant, through a Spanish interpreter, was able to understand these proceedings.

AUSA Svolto moved the court the defendant be detained without bail.

Detention Hearing and Preliminary Hearing - Proof

AUSA Svolto called DEA SA Derrick Brown as a witness. He testified to the facts outlined in the affidavit attached to the criminal complaint.

Findings

Having heard and considered the testimony of the SA Brown during the detention hearing and preliminary hearing and the Affidavit/Complaint, the undersigned finds:

- (1) There is probable cause to believe that there have been violations of 21 U.S.C. § 841(a)(1) and 846, conspiracy to distribute and to possess with intent to distribute 25 kilograms or more of cocaine, committed in the Eastern District of Tennessee.
- (2) There is probable cause to believe the defendant committed the aforesaid offenses.
- (3) The proof the defendant committed the aforesaid offenses is strong.
- (4) There are no conditions nor are there any combination of conditions which will reasonably assure the safety of the community or the presence of the defendant at future hearings.

Conclusions

It is ORDERED:

- (1) The defendant is held to answer the charges against him in the District Court.
- (2) AUSA Svolto's motion to detain the defendant without bail is GRANTED for reasons set out in the separate ORDER OF DETENTION PENDING TRIAL filed with this order.
- (3) The defendant's next appearance shall be before a U.S. Magistrate Judge at **10:00 a.m. on Wednesday, September 26, 2012.**

ENTER.

S / William B. Mitchell Carter  
UNITED STATES MAGISTRATE JUDGE